

SENATE, No. 402

STATE OF NEW JERSEY

213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Senator LEONARD LANCE

District 23 (Warren and Hunterdon)

Senator JOHN H. ADLER

District 6 (Camden)

Co-Sponsored by:

**Senators Bucco, Buono, Cardinale, Ciesla, Codey, T.Kean, Lesniak,
Madden, Rice, Sacco, Sarlo, Singer, B.Smith, Sweeney, Vitale and Allen**

SYNOPSIS

Provides \$100,000 military death benefit to State citizens killed on federal active duty; establishes "Fallen Patriots Memorial Fund."

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 **AN ACT** to provide military death benefit to survivors of certain
2 deceased members of the Armed Forces of the United States and
3 supplementing chapter 4 of Title 38A of the New Jersey Statutes
4 and Chapter 9 of Title 54A of the New Jersey Statutes.

5
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8
9 1. a. Upon the death of any active member of the Armed Forces
10 of the United States who is a resident of the State of New Jersey at
11 the time of death and is killed through enemy action, or accident, or
12 as a result from disease or illness contracted while in active service
13 of the Armed Forces of the United States, the Department of
14 Military and Veterans' Affairs shall provide a military death benefit
15 payable to the surviving widow or widower of the deceased
16 member. If there is no surviving widow or widower, the
17 Department of Military and Veterans' Affairs shall provide a
18 military death benefit payable to the surviving child or children of
19 the deceased member.

20 b. After application by or on behalf of the surviving widow or
21 widower to the Adjutant General of the Department of Military and
22 Veterans' Affairs, a \$100,000 military death benefit shall be paid to
23 the surviving widow or widower. If there is no surviving widow or
24 widower, after application by or on behalf of the surviving child or
25 children to the Adjutant General of the Department of Military and
26 Veterans' Affairs, a \$100,000 military death benefit shall be paid to
27 the surviving child or children in equal shares.

28 c. As used in this section, "active member" means an individual
29 or member of an organized unit ordered into active service in the
30 Armed Forces of the United States by reason of membership in the
31 National Guard, naval militia, a reserve component of the Armed
32 Forces of the United States, or any branch of the Armed Forces of
33 the United States.

34 "active service" shall not include active service for training.

35 "Child" means an unmarried child (a) under the age of 18, or (b)
36 18 years of age or older and enrolled in a secondary school, or (c)
37 under the age of 24 and enrolled in a degree program in an
38 institution of higher education for at least 12 credit hours in each
39 semester, or (d) of any age who, at the time of the member's death,
40 is disabled because of mental retardation or physical incapacity, is
41 unable to do any substantial, gainful work because of the
42 impairment and the impairment has lasted or can be expected to last
43 for a continuous period of not less than 12 months, as affirmed by a
44 licensed physician.

45 "Widower" means the man to whom an active member of the
46 Armed Forces of the United States was married on the date of her
47 death.

48 "Widow" means the woman to whom an active member of the

1 Armed Forces of the United States was married on the date of his
2 death.

3

4 2. a. There is established in the Department of the Treasury a
5 special fund to be known as the "Fallen Patriots Memorial Fund."

6 b. Each taxpayer shall have the opportunity to indicate on the
7 taxpayer's New Jersey gross income tax return that a portion of the
8 taxpayer's tax refund or an enclosed contribution shall be deposited
9 into the special fund.

10 Any costs incurred by the Division of Taxation for collection or
11 administration attributable to this section may be deducted from
12 receipts collected pursuant to this section, as determined by the
13 Director of the Division of Budget and Accounting. The State
14 Treasurer shall deposit net contributions collected pursuant to this
15 section into the "Fallen Patriots Memorial Fund."

16 The moneys deposited into the fund shall be appropriated
17 annually pursuant to section 3 of P.L. , c. (c.) (now pending
18 before the legislature as this bill).

19

20 3. The Legislature shall annually appropriate all funds deposited
21 into the "Fallen Patriots Memorial Fund" established pursuant to
22 section 2 of this act, P.L. , c. (c.) (now pending before the
23 legislature as this bill) to the Department of Military and Veterans'
24 Affairs for distribution to military death benefit applicants approved
25 pursuant to section 1 of P.L. , c. (c.) (now pending before the
26 legislature as this bill)

27 Any costs incurred by the Department of Military and Veterans'
28 Affairs for administration attributable to section 1 may be deducted
29 from receipts appropriated pursuant to this section, as determined
30 by the Director of the Division of Budget and Accounting.

31

32 4. Such sums as may be required for the "Fallen Patriots
33 Memorial Fund" for the purposes of section 1 of P.L. , c. (c.)
34 (now pending before the legislature as this bill) when deposits
35 pursuant to section 2 of P.L. , c. (c.) (now pending before the
36 legislature as this bill), are insufficient for the fund's purposes, shall
37 be allotted from the various departmental operating appropriations
38 to this fund, as the Director of the Division of Budget and
39 Accounting shall determine.

40

41 5. There is appropriated from the "Fallen Patriots Memorial
42 Fund" established pursuant to section 2 of P.L. , c. (c.) (now
43 pending before the legislature as this bill) to the Department of
44 Military and Veterans' Affairs, such sums as may be necessary for
45 the purposes of section 1 of P.L. , c. (c.) (now pending before the
46 legislature as this bill) as determined by the Director of the Division
47 of Budget and Accounting.

1 6. This act shall take effect immediately and section 1 shall be
2 retroactive to September 11, 2001.

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5 STATEMENT

6
7 On Tuesday, September 11, 2001, the United States experienced
8 the worst terrorist attack in its history. Ultimately almost 3,000
9 people, including almost 400 police, fire and rescue personnel were
10 killed in the attack.

11 In response, President Bush launched the Global War on
12 Terrorism. Since the commencement of this military campaign,
13 approximately 137,000 troops have been deployed to Iraq, 9,000 to
14 Afghanistan and 1,300 to the Philippines. Furthermore, over 1,675
15 New Jersey National Guard soldiers and airmen have been called to
16 federal active duty. The Adjutant General of the Department of
17 Military and Veterans' Affairs reported that by the spring of 2004,
18 3,000 New Jersey National Guard members will be deployed in the
19 Global War on Terrorism.

20 This bill would direct the Adjutant General of the Department of
21 Military and Veterans' Affairs to provide a \$100,000 military death
22 benefit payable to the surviving spouse or children of an active
23 member of any branch of the Armed Forces of the United States, a
24 reserve component of the Armed Forces, or the New Jersey
25 National Guard or naval militia who was a citizen of this State at
26 the time of death and who is killed through enemy action, or
27 accident, or resulting from disease or illness contracted while on
28 federal active duty.